

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JULIUS EARL PATTERSON,

Petitioner,

Civ. No. 03-74948

Crim. No. 96-80160

vs.

Hon. Gerald E. Rosen

UNITED STATES OF AMERICA,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PETITIONER'S §2255 ACTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on March 13, 2006

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

This matter having come before the Court on the Report and Recommendation of United States Magistrate Judge Mona K. Majzoub, recommending that the Court deny Petitioner Julius Earl Patterson's § 2255 Motion to Vacate, Set Aside or Correct his Sentence as barred by the statute of limitations and that this case, accordingly, be dismissed; and Petitioner having timely filed Objections to the Magistrate Judge's Report and Recommendation; and the Government having responded to those Objections; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Petitioner's Objections, the Government's Response and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, the Petitioner's § 2255 motion should be denied and this action, accordingly, should be dismissed; and the

Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge Majzoub's Report and Recommendation be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Petitioner Patterson's § 2255 Motion be, and hereby is, DENIED, and the above-captioned § 2255 action is, accordingly, DISMISSED.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, pursuant to 28 U.S.C. § 2243(c) and 28 U.S.C. § 2255, no certificate of appealability should issue for purposes of appeal of this matter. The Court will also deny Petitioner leave to appeal *in forma pauperis*. A petitioner seeking to appeal the denial of a habeas petition or a § 2255 motion will not be permitted to proceed *in forma pauperis*, where the appeal would be frivolous. *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: March 13, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 13, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager